

REMARKS

Claims 1-3, 6-11, 16, 17, 19, 21-33, 36-51 and 53 were pending.

Claims 2, 6, 7, 32, 33 and 36-49 have been withdrawn from consideration.

Claims 1, 8 and 50 have been amended to recite the limitation wherein the outermost bottom left corner or outermost bottom right corner has substantially the same angle as the alignment notch. Support for this amendment can be found throughout the disclosure of the present invention, *e.g.*, the Specification as filed, paragraphs [0054]-[0057] and Figures 1-14, 23 and 24. Claim 50 has additionally been amended to correct a minor grammatical error, specifically, to insert “wherein” where appropriate for clarification.

Claim 53 has been amended to more particularly claim the subject matter of an embodiment of the invention. Support for this amendment can be found throughout the disclosure of the present invention, *e.g.*, the Specification as filed, paragraphs [0020] and [0050]-[0051] and Figures 1- 24. Claim 53 has further been amended to correct a minor grammatical error, specifically, to further clarify the language regarding the substantially equal length of the roofing shingles.

New claims 54-56 have been added. Supported for these new claims can be found throughout the disclosure of the present invention, *e.g.*, in the Specification as filed, paragraphs [0039], [0042]-[0047] and [0053]-[0055]. Therefore, no new matter has been added.

Claims 1-3, 6-11, 16, 17, 19, 21-33, 36-51 and 53-56 are pending.

I. Examiner Interview

Applicants are grateful for the telephonic interview of July 23, 2009 with the Examiner and the Primary Examiner Basil Katcheves, as well as the follow-up telephone discussion with

Examiner Gilbert of August 31, 2009 in which Applicants' proposed new claims and the term "corresponds" were further discussed. While agreement was not reached with regard to the pending claims, Applicants were grateful for the opportunity to explain the contemplated embodiments of the invention, as well as the Examiner's guidance with regard to potentially acceptable claim amendments.

II. Rejection of Claims 1, 3, 8-11, 16, 17, 19, 21-31, 50 and 51 Under 35 U.S.C. § 103(a)

Claims 1, 3, 8-11, 16, 17, 19, 21-31, 50 and 51 have been rejected under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,105,329 to Bondoc et al. ("Bondoc") in view of U.S. Patent No. 6,305,138 to Stahl et al. ("Stahl") and U.S. Patent No. 6,421,976 to Elliott et al. ("Elliott"). Applicants respectfully traverse these rejections.

First, solely to expedite allowance of the claims, Applicants have herein amended independent claims 1 and 8 to cancel the term "corresponds." In view of at least the present claim amendments, Applicants respectfully submit that the cited references do not teach each and every limitation of these independent claims (nor of the claims that depend therefrom).

Next, the Office Action has acknowledged that "Bondoc does not disclose the limitations of the shadow band as claimed" (Office Action, page 4). The Office Action points to Elliott for the disclosure of the shadow band, and Stahl for the disclosure of the shadowed tip, and alleges that it would have been obvious to a skilled artisan to provide the shading features of Elliott and Stahl on the shingle of Bondoc, because "the shadings are aesthetic and provide no structural limitation to the claimed invention" (Final Office Action, p. 3-4). Applicants respectfully disagree.

As amended, independent claims 1, 8 and 30 recite the limitation that at least one of the outermost bottom left corner and an outermost bottom right corner “has substantially the same angle as” the alignment notch. This limitation is neither taught nor suggested by any of the references cited, and thus, the deficiency in Bondoc is not cured by the addition of the teachings of Elliott and Stahl. Accordingly, claims 1 and 8 are not obvious in view of the combination of these three references.

Therefore, at least for the above-stated reasons, independent claims 1 and 8, which recite the “corresponds” limitation, are not obvious in view of the Bondoc, Elliott and Stahl references. Thus, claims 3, 9-11, 16, 17, 19, 21-31, 50 and 51 are also not obvious because they all depend either directly or indirectly from claim 1 and claim 8.

For at least these reasons, Applicants respectfully submit that this rejection has been overcome and should be withdrawn.

III. Rejection of Claim 53 Under 35 U.S.C. § 103(a)

Claim 53 has been rejected under 35 U.S.C. § 103(a) based on the teachings of Bondoc. Applicants respectfully traverse.

The Office Action alleges essentially that because a single shingle claimed in claim 53 would be obvious in view of the teachings of Bondoc, two shingles would also be obvious as merely a “duplication of parts” (Final Office Action, p. 11). However, Applicants respectfully submit that in light of the present amendments to claim 53 to recite a shingle of the invention, claim 53, as a product-by-process claim, is patentable. Specifically, Bondoc does not teach or suggest a roofing material comprising multiple roofing shingles having the characteristic, *inter alia*, that the patterns on their anterior layers are substantially repeating. For at least these

reasons, Applicants respectfully submit that claim 53 is patentable over Bondoc, and respectfully request that this rejection be withdrawn.

IV. Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that the claims are now in condition for allowance, early notice of which is earnestly solicited. Should any outstanding issues remain, the Examiner is hereby invited to contact Applicants' undersigned attorneys at the telephone number below.

The Director is hereby authorized to charge any necessary fees associated with this filing, or credit any overpayment, to Deposit Account No. 03-1250, Reference No. 12080001.000019, Customer No. 43,309.

Respectfully submitted,

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